IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODG) NO. 662 OF 2006

1. Shri Deviprasad Shetty & 156 ors.] .. Petitioners

Versus

1. The President, Arya Vidya Mandir Society & 7 ors.] .. Respondents

Ms. Kumud Bhatia for the petitioners.

Mr. F.E. De'Vitre, senior counsel with Mr. Shyam Mehta i/b Federal & Rashmikant for the respondents No.1 and 2.

Mr. A. Sayed, AGP, for respondent No.3.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.

DATED: 27TH MARCH, 2006

P.C. :

. Heard counsel for the parties.

2. The apprehension of the petitioners, who are the parents of students who are admitted to the School, run by Arya Vidya Mandir Society is that the School proposes to shift from the existing premises to another premises from 1st April, 2006 and this would directly affect their wards. The Circular issued by the

Management dated 13th January, 2006, read with 14th February, 2006, and the relevant clause reads as under:

> "Being sensitive to the several concerns expressed by the parents, the Management has, after having considered all this facts and opinions, decided to reschedule the implementation of the reorganization and restructuring process outlined in the Circular dated 13th January, 2006, from 1st April, 2006 to 1st April, 2007".

It will be, therefore, apparent from the said clause that the original programme for shifting, which was 1st April, 2006, event has now been postponed to 1st April, 2007. In other words, the School will not be shifted on 1st April, 2006.

3. The apprehension was based on Rule 7.6 of the Secondary School Code, 2002, which requires that the Management shall not shift any School without prior permission of the Government. It is submitted that though it is a recognized School, the Secondary School Code, 2002, would be applicable and the Management is bound by the same.

4. On the other hand, on behalf of the respondent- Management, the learned counsel submits that the School is not affiliated to the Maharashtra Board of

Secondary Education, but instead, affiliated to ICSE and consequently, the said Rule is not applicable. We are really not called upon to answer that issue today as the event has yet to happen. Apart from that, on behalf of the respondent-Management, the learned counsel, on instructions, makes a statement that the entire School is not being shifted, but only some classes/divisions are being shifted to another premises as part of reorganization.

5. Considering what is stated above, we find no cause for interference at this juncture to exercise our extra ordinary jurisdiction. Consequently,, Petition disposed of.

Sd/-
[F.I. REBELLO, J.]

Sd/-
[ANOOP V. MOHTA, J.]